

State of South Dakota

EIGHTIETH SESSION LEGISLATIVE ASSEMBLY, 2005

456L0620

HOUSE TRANSPORTATION COMMITTEE ENGROSSED NO. **HB 1201** - 02/05/2005

Introduced by: Representatives Putnam, Cutler, Deadrick, Dennert, Gassman, Glover, Halverson, Hargens, Hunhoff, Jerke, Klaudt, Kroger, Olson (Ryan), Peters, Sigdestad, Street, and Tidemann and Senators Schoenbeck, Bartling, Gray, Hanson (Gary), Hundstad, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to revise the labeling requirements for certain types of
2 motor fuel.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 37-2-30 be amended to read as follows:

5 37-2-30. Any gasoline kept, offered, or exposed for sale, or sold, at retail containing two
6 percent or more by volume of any oxygenate or combination of oxygenates shall be identified
7 as ~~"with" or "contains"~~ to the specific type of oxygenate or combination of oxygenates in the
8 gasoline. For example, The label may consist of any combination of colors and the label may
9 read "contains ethanol, E10, or ethanol blend." This information shall be posted on the upper
10 fifty percent of the dispenser front panel in a position that is clear and conspicuous from the
11 driver's position. The words shall be in a type at least one one-quarter inch in height and a width
12 of type of at least one-sixteenth inch stroke.

13 Section 2. That § 20:01:10:01 be repealed.

14 ~~20:01:10:01. Product labeling. All motor fuel kept, offered or exposed for sale, or sold~~



1 ~~containing at least one percent by volume of ethanol, methanol, or a combination of both must~~
2 ~~be identified as "with" or "containing" or similar words and "ethanol," "methanol," or~~
3 ~~"ethanol/methanol" on the dispenser front and back panels in a position that is clear and~~
4 ~~conspicuous from the driver's position. These words must be in a type not less than 1/2 inch~~
5 ~~high, 1/16 inch stroke. The maximum percent content of each type of alcohol must be specified~~
6 ~~on the product identity label.~~

7 Section 3. That § 37-2-6 be amended to read as follows:

8 37-2-6. The secretary of the Department of Revenue and Regulation may ~~in accordance with,~~
9 pursuant to chapter 1-26 ~~make such rules and regulations as are necessary to carry out the~~
10 ~~provisions of §§ 37-2-5 to 37-2-24, inclusive.~~

11 ~~—The rules shall be, and~~ in general conformity with ASTM standards. ~~The secretary may~~
12 adopt, promulgate rules:

- 13 (1) Establishing standards for the maximum volume percentages of ethanol, methanol,
14 ether, and cosolvents in alcohol blended fuels;
- 15 (2) Establishing a program for and prescribing the methods to be used for the inspection
16 and testing of alcohol blended fuels and petroleum products;
- 17 (3) Requiring labeling of devices dispensing alcohol blended fuels ~~to disclose the~~
18 ~~percentage by volume of the fuel which is alcohol;~~
- 19 (4) Establishing standards setting the specifications and tolerance requirements for
20 petroleum products; and
- 21 (5) Regulating the filtering system to be used on devices dispensing alcohol blended
22 fuels.